IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 15371 of 2004

Between:

Mohammed Obaid Ahmed, S/o.Mohammed Ahmed,
R/o.24-6-138, Fatimanagar, Kazipet, Warangal District.

..... PETITIONER

AND

1 The Passport Officer, Office of the Passport, Secunderabad.
2 The Ministry of External Affairs, at New Delhi.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 1st respondent in denying his request to alter the correct date of Birth, which inadvertantly made by his father, in terms of Certificate of Birth dated 25-02-2004 issued by Warangal Municipal Corporation and consequently direct the 1st respondent to alter his date of Birth as 07-01-1984 in the passport as per the Certificate of Birth dated 13-02-2004 issued by Warangal Municipal Corporation in the interest of Justice.

Counsel for the Petitioner: MR. NAGESWARA RAO TURAGA

Counsel for Respondents: MR. A.RAJASEKHAR REDDY (CENTRAL GOVERNMENT STANDING COUNSEL)

The Court made the following:

ORDER:

The petitioner herein obtained Passport from the first respondent bearing No.E 4328681. Petitioner's date of birth was recorded in the said Passport as 10.2.1984. The petitioner alleges that his actual date of birth is 7.1.1984. Therefore, he approached the Warangal Municipal Corporation and obtained certificate duly registering his date of birth as 7.1.1984. Thereafter, he approached the first respondent to issue passport afresh recording his correct date of birth, in vain. Hence, he filed the present Writ Petition.

Learned counsel for the petitioner, Sri Turaga Nageswara Rao, placed reliance on the judgment of this Court in **Ali Imran v. Regional Passport Officer, Secunderabad** wherein it was laid down as under.

> Be it noted that under the provisions of the Passports Act, 1967, no power is vested in the Regional Passport Officer to correct entries in the passport. However, pursuant to the judgment of the High Court of Bombay referred to hereinabove, it is now permissible for the Regional Passport Officer to accept applications for rectification/correction. Nonetheless, as per clause (c) above, if an entry had been made on the basis of a supportive document issued by one authority i.e., school or educational authority and subsequently the applicant requests for a change of the entry on the basis of the certificate issued by another authority the passport issuing authority is required to direct the applicant to obtain a proper declaration from the civil court.

In this case, however, the petitioner cannot be said to have any grievance even if fresh passport is not issued. As per provisions of Section 13 of the Registration of Births and Deaths Act, 1969 (for short, the Act), every birth or death has to be registered within thirty days of its occurrence, or within one year with the written permission of the prescribed authority on payment of prescribed fee. If the birth or

death is not registered within one year, as mentioned herein, the birth or death can only be registered by competent authority only on an order made by Magistrate of First Class after verifying the correctness of birth or death. In this case, though the petitioner has obtained birth certificate from Warangal Municipal Corporation, the same is not supported by any order made under Section 13(3) of the Act. Therefore, the petitioner has to approach the Executive Magistrate for appropriate orders to Municipal Corporation which can register the birth only thereafter. Based on the certificate issued by the Warangal Municipal Corporation, in which the petitioner's date of birth was registered only on 13.8.2004, no direction can be issued to the respondents. The petitioner is given liberty to approach the Executive Magistrate for appropriate orders in the matter.

The Writ Petition, with the above observations, is dismissed. No costs.

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(V.V.S.RAO, J)

4.11.2004

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To

1. The Passport Officer, Office of the Passport, Secunderabad.

2. The Ministry of External Affairs, at New Delhi.

3. Two CD copies.